

Recommended Certificate of Need Program Review Criteria which potentially impact RCW 70.38 and WAC 246-310

(black: current statute language, red: action due,)

Current RCW and WAC	Potential Revision
<p>RCW 70.38.115 Certificates of need — Procedures — Rules — Criteria for review</p>	<p>RCW 70.38.115 Certificates of need — Procedures — Rules — Criteria for review</p>
<p>(1) Certificates of need shall be issued, denied, suspended, or revoked by the designee of the secretary in accord with the provisions of this chapter and rules of the department which establish review procedures and criteria for the certificate of need program.</p> <p>(2) Criteria for the review of certificate of need applications, except as provided in subsection (3) of this section for health maintenance organizations, shall include but not be limited to consideration of the following:</p> <ul style="list-style-type: none"> (a) The need that the population served or to be served by such services has for such services; (b) The availability of less costly or more effective alternative methods of providing such services; (c) The financial feasibility and the probable impact of the proposal on the cost of and charges for providing health services in the community to be served; (d) In the case of health services to be provided, <ul style="list-style-type: none"> (i) the availability of alternative uses of project resources for the provision of other health services, (ii) the extent to which such proposed services will be accessible to all residents of the area to be served, and (iii) the need for and the availability in the community of services and facilities for osteopathic physicians and surgeons and allopathic physicians and their patients. The department shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathic medicine and surgery and medicine at the student, internship, and residency training levels; (e) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project reviewed <ul style="list-style-type: none"> (i) on the cost of providing health services by the person proposing such construction project and (ii) on the cost and charges to the public of providing health services by other persons; (f) The special needs and circumstances of osteopathic hospitals, non-allopathic services and children's hospitals; (g) Improvements or innovations in the financing and delivery of health services which foster cost containment and serve to promote quality assurance and cost-effectiveness; (h) In the case of health services proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed; (i) In the case of existing services or facilities, the quality of care provided by 	<p>(1) Certificates of need shall be issued, denied, suspended, or revoked by the designee of the secretary in accord with the provisions of this chapter and rules of the department which establish review procedures and develop review criteria, at a minimum, concerning community need, financial feasibility, appropriate service, quality delivery process, and measurable performance related to health outcomes for the certificate of need program.</p> <p>(2) Criteria for the review of certificate of need applications, except as provided in subsection (3) of this section for health maintenance organizations, shall include but not be limited to consideration of the following:</p> <ul style="list-style-type: none"> (a) The need that the population served or to be served by such services has for such services; (b) The availability of less costly or more effective alternative methods of providing such services; (c) The financial feasibility and the probable impact of the proposal on the cost of and charges for providing health services in the community to be served; (d) In the case of health services to be provided, <ul style="list-style-type: none"> (i) The availability of alternative uses of project resources for the provision of other health services, (ii) The extent to which such proposed services will be accessible to all residents of the area to be served, and (iii) The need for and the availability in the community of services and facilities for health care providers and their patients. The department shall consider the application in terms of its impact on existing and proposed institutional and other educational training programs for doctors and medicine health practitioners at the student, internship, and residency training levels; (e) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project reviewed <ul style="list-style-type: none"> (i) On the cost of providing health services by the person proposing such construction project and (ii) On the cost and charges to the public of providing health services by other persons; (f) The special needs and circumstances of children's and other specialized hospitals; (g) Improvements or innovations in the financing and delivery of health services which foster cost containment and serve to promote quality assurance and cost-effectiveness; (h) In the case of health services proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed; (i) In the case of existing services or facilities, the quality of care provided by

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<p>such services or facilities in the past;</p> <p>(j) In the case of hospital certificate of need applications, whether the hospital meets or exceeds the regional average level of charity care, as determined by the secretary;</p> <p>(k) In the case of nursing home applications:</p> <p>(i) The availability of other nursing home beds in the planning area to be served; and</p> <p>(ii) The availability of other services in the community to be served. Data used to determine the availability of other services will include but not be limited to data provided by the department of social and health services.</p>	<p>such services or facilities in the past;</p> <p>(j) The applicant meets or exceeds the regional average level of charity care , as determined by the secretary, and the applicant has adopted policies consistent with the charity care and reporting requirement of RCW 70.170.060;</p> <p>(k) In the case of hospital and nursing home all applications:</p> <p>(i) The availability of other similar beds services in the planning area to be served; and</p> <p>(ii) The availability of other competing services in the community to be served. Data used to determine the availability of other services will include but not be limited to data provided by the departments of health, social and health services and others;</p> <p>(l) In the case of an applicant that is acquiring or otherwise assuming control of an existing health facility, service or equipment, the applicant agrees to maintain or exceed the level of charity care provided by the previous person that owned or controlled the health facility, service or equipment.</p> <p>(m) Implications for the health care workforce at all levels;</p> <p>(n) Impact of the proposed service on the stability of the public health and current health system infrastructure in the defined area to be served; care system in the market area to be served;</p> <p>(o) Allowance of system innovation and evolution over time; and</p> <p>(p) Other criteria related to outcomes with consideration, where applicable, of the Institute of Medicine Quality Initiative aims.</p> <p>(q) The applicant agrees to provide services to Medicaid and Medicare enrollees and agrees to not discriminate against Medicaid and Medicare enrollees based upon their coverage.</p>
<p>(3) A certificate of need application of a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization, shall be approved by the department if the department finds:</p> <p>(a) Approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll; and</p> <p>(b) The health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.</p> <p>A health care facility, or any part thereof, with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired unless the department issues a certificate of need approving the sale, acquisition, or lease.</p>	<p>(3) A certificate of need application of a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization, shall be approved by the department if the department finds:</p> <p>(a) Approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll; and</p> <p>(b) The health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.</p> <p>A health care facility, or any part thereof, with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired unless the department issues a certificate of need approving the sale, acquisition, or lease.</p>